

REMARKS

The Examiner has objected to the disclosure under 37 CFR 1.163(a) and 35 U.S.C. §112, first paragraph.

In paragraph "A," the Examiner has requested a more detailed description of the asexual reproduction of the instant plant. Applicant has amended paragraph [0005] of the specification to include this information.

In paragraph "B," the Examiner has requested the height from the ground the measurement was made. Applicant has amended paragraph [0011] of the specification to include this information.

In paragraph "C," the Examiner has requested clarification of the color designation of the trunk in paragraph [0011]. Applicant has amended paragraph [0011] of the specification.

In paragraph "D," the Examiner has requested the color designation and size of the buds as well as time of leaf out. Applicant has amended the specification with this information in new paragraph [0014].

In paragraph "E," the Examiner has requested that the Patent Number for the variety 'Fargo' be included in the specification. Applicant has amended the specification to include this information.

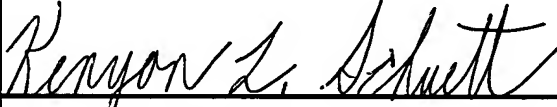
In paragraph "F," the Examiner has requested the color designation for the autumn foliage. Applicant has amended the specification to include this information.

In view of the amendments to the specification, withdrawal of the objections to the disclosure under 37 C.F.R. 1.163(a) and 35 U.S.C. §112, first paragraph, is respectfully requested.

Attached hereto are a marked-up version and a clean version of the changes made to the specification by the current amendment. The attached pages are captioned **"Version with markings to show changes"** and **"Clean version of substitute specification."**

The Examiner has rejected claim 1 under 35 U.S.C. §112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant. Applicant has amended the specification to provide a clearer and more complete botanical description of the plant. Withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. §112. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE				DATE	October 18, 2004
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898